

1 STEPHANIE M. HINDS (CABN 154284)
2 United States Attorney

3 THOMAS A. COLTHURST (CABN 99493)
4 Chief, Criminal Division

5 FRANK J. RIEBLI (CABN 221152)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
9 Telephone: (415) 436-7200
10 FAX: (415) 436-7234
11 Frank.Riebli@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. 21-CR-274 CRB
17 Plaintiff,)
18 v.) PETITION FOR WRIT OF HABEAS CORPUS
19) AD PROSEQUENDUM
20 IAN BENJAMIN ROGERS,)
21 Defendant.)
22 _____)

23 TO: The Honorable SALLIE KIM, United States Magistrate Judge for the Northern District of
24 California

25 Assistant United States Attorney Frank J. Riebli respectfully requests that the Court issue a Writ
26 of Habeas Corpus Ad Prosequendum for the person of prisoner IAN BENJAMIN ROGERS, whose
27 place of custody or jailor are set forth in the requested Writ, attached hereto. On January 26, 2021, the
28 Court issued a complaint, in 3-21-MJ-70157 MAG charging ROGERS with violations of 26 U.S.C.
PETITION FOR WRIT OF HABEAS CORPUS AD PROSEQUENDUM
CASE NO. 21-CR-274 CRB

1 the federal charge, but the writ authorized a remote appearance. Thus, ROGERS remained in state
2 custody and made his initial appearance on the federal charge on February 23, 2021 by Zoom. On July
3 7, 2021, the grand jury indicted ROGERS for violations of 18 U.S.C. §§ 844(i) and (n), 26 U.S.C.
4 §§ 5861(d) and 5845, and 18 U.S.C. § 922(o) (three counts), in case number 21-CR-274 CRB.
5 ROGERS appeared by Zoom and been arraigned on the Indictment. His next appearance before the
6 District Court is February 2, 2022. In order to facilitate the orderly prosecution of the case and trial
7 setting and preparation, the government now seeks the physical transfer of ROGERS into federal
8 custody.

9 The government previously applied for and obtained a writ (in December 2021). At the request
10 of the United States Marshals Service the government submits this new application with the language
11 the USMS requests, seeking ROGERS's transfer forthwith.

12 The government has consulted with the Napa County District Attorney's Office and that office
13 consents to ROGERS's transfer to federal custody by this writ.

14 The prisoner, IAN BENJAMIN ROGERS, is required to appear as a defendant in the above-
15 entitled matter in this Court on the date identified in the writ and for all future hearings, and therefore
16 petitioner prays that the Court issue the Writ as presented.

17

18 Dated: January 6, 2022

Respectfully Submitted,

19

20 STEPHANIE M. HINDS
United States Attorney

21

/s/ Frank J. Riebli
22 Frank J. Riebli
23 Assistant United States Attorney

24

25

26

27

28

1 STEPHANIE M. HINDS (CABN 154284)
2 United States Attorney

3 THOMAS A. COLTHURST (CABN 99493)
4 Chief, Criminal Division

5 FRANK J. RIEBLI (CABN 221152)
6 Assistant United States Attorney

7 450 Golden Gate Avenue, Box 36055
8 San Francisco, California 94102-3495
9 Telephone: (415) 436-7200
10 FAX: (415) 436-7234
11 Frank.Riebli@usdoj.gov

12 Attorneys for United States of America

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

16 UNITED STATES OF AMERICA,) CASE NO. 21-CR-274 CRB
17 Plaintiff,)
18 v.) [PROPOSED]
19 IAN BENJAMIN ROGERS,) ORDER GRANTING PETITION FOR WRIT OF
20) HABEAS CORPUS AD PROSEQUENDUM
21 Defendant.)
22 _____)

23 Upon motion of the United States of America, and good cause appearing therefore,

24 IT IS HEREBY ORDERED that the request of the United States for issuance of the Writ of Habeas
25 Corpus Ad Prosequendum requiring the production of defendant IAN BENJAMIN ROGERS, before
26 this Court on the date stated in the Writ submitted, or as soon thereafter as practicable, and requiring that
27 the defendant be present for all future hearings, is GRANTED and the Writ shall be issued as presented.

28 DATED: _____

29 _____
30 HON. SALLIE KIM
31 United States Magistrate Judge

WRIT OF HABEAS CORPUS AD PROSEQUENDUM

TO: **DONALD M. O'KEEFE, United States Marshal for the Northern District of California or and DINA JOSE, Napa County Director of Corrections** and /or any of their authorized deputies:

Pursuant to the foregoing petition and order, you are directed to remove the body of IAN BENJAMIN ROGERS (DOB 3/16/1976) from the custody of Napa County Department of Corrections, at 1125 Third Street in Napa, California 94559, into federal custody in the Northern District of California, forthwith, or as soon as practicable, on the charges filed against defendant in the above-entitled Court and further to produce said defendant at all future hearings as necessary until the termination of the proceedings in this Court.

Should the current custodian release IAN BENJAMIN ROGERS from its custody, you are directed that the defendant immediately be delivered and remanded to the U.S. Marshals for the Northern District of California and/or his authorized deputies under this Writ.

DATED:

CLERK, UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

By: _____
DEPUTY CLERK